UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,421	03/19/2001	David Clyde Chiles	06975-091001	6501

			EXAMINER
26171	7590	07/17/2006	DENNISON, JERRY B

FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/810,421	CHILES ET AL.
	Examiner	Art Unit	
	J. Bret Dennison	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>4/17/2006</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-72</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-72</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This Action is in response to Amendment for Application Number 09/810,421

received on 4/17/2006.

2.   Claims 1-72 are presented for examination.

Double Patenting (Obviousness)

The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11
F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA
1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*,
418 F.2d 528, 163 USPQ 644 (CCPA 1969).
A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be
used to overcome an actual or provisional rejection based on a nonstatutory double
patenting ground provided the conflicting application or patent is shown to be commonly
owned with this application. See 37 CFR 1.130(b).
Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

Claims 1-12, 43-52, and 61-72 are provisionally rejected under the judicially created

doctrine of obviousness-type double patenting as being unpatentable over claims 1-9,

12-14, 21-30, and 34-45 of copending Application No. 09/810,511. Although the

conflicting claims are not identical, they are not patentably distinct from each other

because the subject matter claimed in the instant application is fully disclosed in the

referenced copending application and would be covered by any patent granted on that

copending application since the referenced copending application and the instant

application are claiming common subject matter.

The referenced copending application includes that the gateway device includes a network address translation module. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include network address translation into the gateway device because it was well known in the art for gateways to include this functionality.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 43, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daruwalla et al. (U.S. Patent Number 6,693,878).

3.   Regarding claim 1, 43, and 61, Daruwalla disclosed a system for connecting multiple networked client devices to a host system, wherein the host system assigns independent Internet addresses to the home-networked client devices (Daruwalla, col. 6, lines 55-67, col. 11, lines 40-50, col. 13, lines 10-20), the system comprising:

a home gateway device which includes a communication device to communicate

with the host system over a single communication tunnel established between the home

gateway device and the host system (Daruwalla, col. 6, lines 40-47); and

multiple home-networked client devices connected to the home gateway device

via a network and that communicate with the host system through the home gateway

device over the single communication tunnel (Daruwalla, col. 6, lines 55-67, col. 11,

lines 40-50, Daruwalla disclosed devices behind a cable modem communicating with

provisioning server or CMTS),

wherein the host system is located at one end of the single communication tunnel

and is configured to assign independent Internet addresses to the multiple home-

networked client devices over the single communication tunnel (Daruwalla, col. 7, lines

15-30, col. 13, lines 10-20, Daruwalla disclosed assigning addresses to multiple devices

behind a cable modem; col. 7, line 35 through col. 8, line 10, 45-55, Daruwalla also

disclosed the cable modem establishing a secure IPSec tunnel with VPN networks, and

intelligence is maintained in the network rather than in the end points).

Daruwalla did not explicitly state wherein the cable modems include a tunnel to

the Head End/provisioning server (Fig. 3, 322). However, since the cable modems

initiate an IPSec tunnel over the MPLS VPN to the CE device (Fig. 3, 352), the tunnel

would have to exist between the cable modem (Fig. 3, 304) and the Head End (322 of

Figure 3. The Head End includes the provisioning server which, when configured as a

DHCP server, provides IP addresses to the client devices that sit behind the cable

modem CM2. All client devices behind the cable modem communicate through this

tunnel with the provisioning server. At the time the provisioning server assigns IP

addresses to the clients, one of ordinary skill in the art would interpret the provisioning

server as being an endpoint in the communication, since it is initiating the assignment of

the IP addresses.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to provide a tunnel from a cable modem under VPN to the

head end to establish a secure communication path between the cable modem and an

authorized VPN gateway (Daruwalla, col. 7, lines 35-45).

Claims 40, 43, and 61 include limitations that are substantially similar to claim 1

and are therefore rejected under the same art as being substantially similar.

Claims 1, 43, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Network Telesystems, NTS Tunnel Builder User's Guide; March 1999, hereinafter

referred to by NTS and in view of Newswire Association Inc, "Ramp Networks

Announces Comprehensive Virtual Private Network Solution; Targets Corporate Branch

Offices (August 9, 1999) hereinafter referred to by Ramp.

4.   Regarding claim 1, 43, and 61, NTS disclosed a system for connecting multiple

networked client devices to a host system, wherein the host system assigns

independent Internet addresses to the home-networked client devices, the system

comprising:

a home gateway device which includes a communication device to communicate with the host system over a single communication tunnel established between the home gateway device and the host system (NTS, Chapter 1-3, Figure at the top of the page, NTS disclosed a tunnel established between a remote user and a PPTP/L2TP server through a cable modem or DSL, Chapter 1, TunnelBuilder Overview, thereby allowing devices from one LAN communicate through a tunnel, with devices on another LAN); and

a home-networked client device connected to the home gateway device via a network and that communicate with the host system through the home gateway device over the single communication tunnel (NTS, Chapter 1-3, Figure at the top of the page, Chapter 3-14, Addresses),

wherein the host system is configured to establish an individual communication session with the networked client device over the single communication tunnel and to assign an independent Internet address to the networked client device (NTS, Chapter 3-3, NTS disclosed that once the tunnel is established, an assignment of a new and different IP address, gateway and DNS server addresses is performed).

NTS did not explicitly state wherein the host system is configured to establish individual communication sessions with multiple networked devices over the single communication tunnel.

In an analogous art, Ramp disclosed a VPN supported hub that allows multiple users sessions on a single tunnel (Ramp, page 1, paragraph 2).

Substituting the remote computer of NTS with the smart router of Ramp would allow multiple clients to use the same tunnel for VPN (as described by Ramp) into the DHCP server of NTS, for the benefit of sharing the same secure communication path from the home cable modem or DSL of NTS (NTS, Chapter 2) to the DHCP server and simplifying end user configuration and reducing the number of VPN sessions required (Ramp, page 1, paragraph 2).

NTS provides a way for users to establish a secure connection to their company LAN, and once a tunnel is establishes, the Company server provides assignment for IP addresses for the users' devices.

The router of Ramp allows multiple users sessions on a single tunnel. Ramp gives an example of providing corporate branch offices and small businesses with a secure access to corporate or partner resources and applications (Ramp, page 1).

It was well within the level of one of ordinary skill in the art at the time the invention was made to include a router in the home to allow multiple computers to connect to the Internet. Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to include the router of Ramp into the system of NTS to allow multiple devices to connect to the company server through the single tunnel of Ramp, allowing the company server to provide IP addresses to each device, allowing multiple clients to use the same tunnel for VPN into the DHCP server of NTS, for the benefit of sharing the same secure communication path from the home cable modem or DSL of NTS (NTS, Chapter 2) to the DHCP server and simplifying end user

configuration and reducing the number of VPN sessions required (Ramp, page 1, paragraph 2).

Claims 40, 43, and 61 include limitations that are substantially similar to claim 1 and are therefore rejected under the same art as being substantially similar.

Claims 1-37, 43-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed (U.S. Patent Number 6,671,739) in view of Kikinis (U.S. Patent Number 6,167,120) and in further view of Daruwalla et al. (U.S. Patent Number 6,693,878).

5.   Regarding claim 1, Reed discloses a system for connecting multiple networked client devices to a host system, wherein the host system assigns independent Internet addresses to the home-networked client devices, the system comprising:

a home gateway device which includes a communication device to communicate with the host system over a single communication tunnel established between the home gateway device and the host system (Reed, col. 4, lines 60-65); and

multiple networked client devices connected to the home gateway device via a network and that communicate with the host system through the gateway device over the single communication tunnel (Reed, col. 3, lines 15-20 and lines 45-63, and Fig 1B),

wherein the system is configured to enable the host system to establish individual communication sessions with the multiple networked client devices over the single communication tunnel and to assign independent Internet addresses to the multiple networked client devices (Reed, col. 3, lines 15-20, 45-63).

Reed also discloses wherein the system is part of the local area network (Reed, col. 3, lines 10-20, lines 55-65). However, Reed does not explicitly state wherein the system contains multiple home network devices.

In an analogous art, Kikinis discloses a system for home networking wherein the home server provides internet access for a multiplicity of computers connected to the home server (Kikinis, col. 2, lines 30-35).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the home networking system of Kikinis into the system of Reed in order to provide a way of allowing home computers in a network to share resources through one Internet Service Provider and one Internet account (Kikinis, col. 1, lines 40-55), wherein each client has a unique Internet address and are using an individual communication session (Reed, col. 1, lines 40-55).

Neither Reed nor Kikinis explicitly state a host system that assigns independent internet addresses to the home-networked client devices.

In an analogous art, Daruwalla disclosed a provisioning server in VPN communication with cable modems, in which the provisioning server assigns internet addresses to the devices behind the cable modems (Daruwalla, col. 6, lines 55-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Daruwalla into Reed and Kikinis to provide a tunnel from a cable modem under VPN to the head end to establish a secure communication path to the DHCP server (Daruwalla, col. 7, lines 35-45).

Claims 40, 43, and 61 include limitations that are substantially similar to claim 1 and are therefore rejected under the same art as being substantially similar.

6.   Regarding claim 2, Reed, Kikinis and Daruwalla disclosed the limitations, substantially as claimed, as described in claim 1, including wherein the home gateway device is physically located in a personal residence (Kikinis, col. 4, lines 7-13). See motivation for claim 1.

7.   Regarding claim 3, Reed, Kikinis and Daruwalla disclosed the limitations, substantially as claimed, as described in claim 2, including wherein the personal residence is a single family dwelling (Kikinis, col. 4, lines 7-13). See motivation for claim 1.

8.   Regarding claim 4, Reed, Kikinis and Daruwalla disclosed the limitations, substantially as claimed, as described in claim 1, including wherein the home gateway device and the home-networked client devices are physically located in a personal residence (Kikinis, col. 4, lines 7-13). See motivation for claim 1.

9.   Regarding claim 5, Reed, Kikinis and Daruwalla disclosed the limitations, substantially as claimed, as described in claim 4, including wherein the personal residence is a single family dwelling (Kikinis, col. 4, lines 7-13). See motivation for claim 1.

10.   Regarding claims 6 and 7, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 2. Reed and Kikinis do not explicitly

state wherein the home-networked client devices include wireless client devices that are

connected to the home gateway device via a wireless network. However, it would have

been obvious to one having ordinary skill in the art at the time of the invention to

incorporate wireless devices into the system of Reed and Kikinis because wireless

networking is a form of networking, which is well known in the art well before Reed and

Kikinis.

11.   Regarding claim 8, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 1, including wherein the home-networked

client devices establish simultaneous individual communication sessions with the host

system over the single communication tunnel and each home-networked client device is

assigned an independent Internet address by the host system (Reed, col. 3, lines 10-

25).

12.   Regarding claim 9, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 1, including wherein the host system

includes an Internet Service Provider (Kikinis, col. 1, lines 45-50).

13.   Regarding claim 10, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 1, including wherein the network address

translation module includes a port-based network address translation module (Reed,

col. 4, lines 60-67).

14.   Regarding claim 11, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 1, including wherein the network address

translation module includes an address-based network address translation module

(Reed, col. 4, lines 60-67).

15.   Regarding claim 12, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 1, including wherein the home gateway

device communicates with the multiple home-networked client devices using a first

protocol and communicates with the host system using a second protocol (Kikinis, Fig.

2).

16.   Regarding claim 13, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 12, including wherein the home gateway

device includes one or more modules that are structured and arranged to convert

between the first protocol and the second protocol (Kikinis, col. 4, last paragraph).

17.   Regarding claim 14, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 12, including wherein the home-

networked client devices are PPP enabled and the first protocol is PPPoE (Reed, col. 4,

lines 60-67, Reed teaches using Network Address Translation). However, Kikinis does

not explicitly state that the different protocols include L2TP. It would have been obvious

to one having ordinary skill in the art at the time of the invention to incorporate the L2TP

protocol between the gateway device and host system because L2TP is a standard that

allows the transfer of Point to Point Protocol (PPP) traffic between different networks.

18.   Regarding claim 15, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 14, including wherein the home gateway

device uses Network Address Translation. Reed and Kikinis do not explicitly state

wherein the home gateway emulates a PPPoE access concentrator and an L2TP

access concentrator. It would have been obvious to one having ordinary skill in the art

at the time of the invention to incorporate the L2TP protocol between the gateway

device and host system because L2TP is a standard that allows the transfer of Point to

Point Protocol (PPP) traffic between different networks.

19.   Regarding claims 16-19, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 1, including wherein the communication

device includes a cable modem, satellite modem, and DSL modem (Reed, col. 4, lines

50-67, Reed discloses communications through a wide area network, where it is in inherent that a typical network includes such modems).

20.   Regarding claim 20, Reed, Kikinis and Daruwalla disclosed the limitations, substantially as claimed, as described in claim 1, including wherein the multiple home-networked client devices include client devices having computer software that enable the client devices to interface with the home gateway device and to communicate with the host system through the home gateway device, such that the host system is able to recognize independent client devices (Reed, col. 4, lines 50-67).

21.   Regarding claim 21, Reed, Kikinis and Daruwalla disclosed the limitations, substantially as claimed, as described in claim 20, including wherein the independent client devices are recognized by the host system through the use of unique identifiers assigned to each of the client devices by the host system during the established communication session (Reed, col. 4, lines 50-67).

22.   Regarding claim 22, Reed, Kikinis and Daruwalla disclosed the limitations, substantially as claimed, as described in claim 21, including wherein the unique identifiers are unique to the client devices (Reed, col. 4, lines 50-67).

23.   Regarding claim 23, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 21, including wherein the unique

identifiers include independent Internet addresses (Reed, col. 4, lines 50-67).

24.   Regarding claim 24, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 21, including wherein the unique

identifiers are unique to users of the client devices (Reed, col. 4, lines 50-67).

25.   Regarding claim 25, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 24, including wherein at least one of the

unique identifiers includes a unique identifier for a user of the client devices combined

with an independent Internet address assigned to a client device (Reed, col. 4, lines 50-

67).

26.   Regarding claim 26, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 25. Reed and Kikinis do not explicitly

state wherein at least one of the unique identifiers for the user of the client devices

includes a screen name. However, it would have been obvious to one having ordinary

skill in the art at the time of the invention to incorporate a screen name in the data

packets transferred to allow clients communicating with each other to easily identify

each other.

27.   Regarding claim 27, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 1, including wherein the multiple home-

networked client devices are each assigned an independent Internet address by the

host system that enables the host system to recognize a user of a home-networked

client device, the user having a unique identifier that is which combined with the

independent Internet address to allow the user access to individual information

maintained by the host system for that user (Reed, col. 4, lines 50-67).

28.   Regarding claims 28-31, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 27, including wherein the clients have

access to information on the internet and other networks. Reed and Kikinis do not

explicitly state wherein the information consists of host based parental controls, wallet

information, calendar information, or personalized web page information. However, this

type of information is basic information found on the Internet. Therefore, it would have

been obvious to one having ordinary skill in the art at the time of the invention to

incorporate information such as host based parental controls, wallet information,

calendar information, or personalized web page information into Reed and Kikinis to

provide basic Internet information to clients connected to the system.

29.   Regarding claim 32, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 1, including wherein the home gateway

device includes a personal computer (Reed, col. 4, lines 10-30).

30.   Regarding claim 33, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 1, including wherein the home gateway

device includes a server (Reed, col. 3, last paragraph).

31.   Regarding claims 34-36, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 1, including wherein the system includes

a typical network. Reed and Kikinis do not explicitly state wherein the network includes

a wired, or wireless network. However, it would have been obvious to one having

ordinary skill in the art at the time of the invention to incorporate wired or wireless

networks into the system because they are basic networking features

32.   Regarding claim 37, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 1, including wherein the network includes

an Ethernet network (Reed, col. 4, lines 50-67).

33.   Claims 43-52 include a method with the same limitations of claims 1-15.

Therefore claims 21-31 are rejected with the same art used in the rejection of claims 1-

15.

34.   Regarding claims 53-54, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 50. Reed and Kikinis do not explicitly

wherein the first protocol includes PPPoE and the second protocol includes L2TP.

However, as stated before, Reed also discloses the use of Network Address Translation

(Reed, col. 4, last paragraph) wherein L2TP is a standard for NAT that allows the

transfer of Point to Point Protocol (PPPoE) traffic between different networks.

35.   Regarding claim 55, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 50, including wherein using the home

gateway device to process communications includes removing a first header from the

communications received from the home-networked client device destined for the host

system (Reed, Fig. 2), adding a second header to the communications (Reed, Fig. 2);

and sending the communications with the second header to the host system (Reed, Fig.

2).

36.   Regarding claim 56, Reed, Kikinis and Daruwalla disclosed the limitations,

substantially as claimed, as described in claim 5, including wherein using the home

gateway device to process communications includes removing a third header from the

communications received from the host system destined for the home-networked client

device, adding a fourth header to the communications, and sending the communications

with the fourth header to the home-networked client device (Reed, col. 4, lines 60-67,

Reed discloses the use of Network Address Translation wherein packets are modified

for communication between networks and addresses are modified as packets are

passed through the network translator).

Claims 38-42, and 57-60 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Reed and Kikinis and Daruwalla as applied to claim 1 above, and

further in view of Leung (U.S. Patent Number 6,487,6050).

37.   Regarding claims 38-42 and 57-60, Reed, Kikinis and Daruwalla disclosed the

limitations, substantially as claimed, as described in claims 1 and 43. Reed and Kikinis

do not explicitly state the use of dynamic host configuration protocol (DHCP). In an

analogous art of home networking, Leung discloses a system wherein clients use

dynamic host configuration protocol to communicate with the gateway (Leung, col. 12,

lines 20-45). DHCP is a protocol for assigning dynamic IP addresses to devices on a

network. With dynamic addressing, a device can have a different IP address every time

it connects to the network. In some systems, the device's IP address can even change

while it is still connected. DHCP also supports a mix of static and dynamic IP

addresses. As stated before, Reed also discloses the use of Network Address

Translation (Reed, col. 4, last paragraph) wherein L2TP is a standard that allows the

transfer of Point to Point Protocol (PPP) traffic between different networks.

38.   Claims 61-72 include a method with the same limitations of claims 1-15.

Therefore claims 61-72 are rejected with the same art used in the rejection of claims 1-

15.

Response to Amendment

Applicant's arguments and amendments filed on 4/17/2006 have been carefully

considered but they are not deemed fully persuasive. Applicant's arguments are

deemed moot in view of the following new grounds of rejection as explained here below,

necessitated by Applicant's substantial amendment (i.e., *by incorporating new*

limitations into the independent claims, which will require further search and

consideration) to the claims which significantly affected the scope thereof.

Applicant's arguments with respect to claims 1-72 have been fully considered but

they are not persuasive.

Applicant's arguments include the failure of previously applied art to expressly

disclose the teachings of "the host system is located at one end of the single

communication tunnel and is configured to... assign independent Internet addresses to

each of the multiple home-networked client devices over the single communication

tunnel [see Applicant's Response, pages 14-16].

Examiner respectfully disagrees.

As explicitly shown in Fig. 3 of Daruwalla, a single communication tunnel exists

between cable modem CM2 (304) and the Head End (322). The Head End includes the

provisioning server which, when configured as a DHCP server, provides IP addresses

to the client devices that sit behind the cable modem CM2. A tunnel exists between

CM2 and the Head End. All client devices behind the cable modem communicate

through this tunnel with the provisioning server. At the time the provisioning server

assigns IP addresses to the clients, one of ordinary skill in the art would interpret the

provisioning server as being an endpoint in the communication.

As shown in the above rejection, NTS disclosed a tunnel being established

between a client device and a VPN server which provides assignment of a new and

different IP address (Chapter 3-3). Ramp disclosed a VPN supported hub that allows

multiple users sessions on a single tunnel (Ramp, page 1, paragraph 2). Substituting

the remote computer of NTS with the smart router of Ramp would allow multiple clients

to use the same tunnel for VPN (as described by Ramp) into the DHCP server of NTS,

for the benefit of sharing the same secure communication path from the home cable

modem or DSL of NTS (NTS, Chapter 2) to the DHCP server and simplifying end user

configuration and reducing the number of VPN sessions required (Ramp, page 1,

paragraph 2).

NTS provides a way for users to establish a secure connection to their company

LAN, and once a tunnel is establishes, the Company server provides assignment for IP

addresses for the users' devices.

The router of Ramp allows multiple users sessions on a single tunnel. Ramp

gives an example of providing corporate branch offices and small businesses with a

secure access to corporate or partner resources and applications (Ramp, page 1).

It was well within the level of one of ordinary skill in the art at the time the

invention was made to include a router in the home to allow multiple computers to

connect to the Internet. Therefore it would have been obvious for one of ordinary skill in

the art at the time the invention was made to include the router of Ramp into the system

of NTS to allow multiple devices to connect to the company server through the single

tunnel of Ramp, and to all the company server provide IP addresses to each device.

Applicant's arguments with respect to claims 1-72 are deemed moot in view of

the following new grounds of rejection, necessitated by Applicant's amendment to the

claims, which significantly affected the scope thereof.

It is the Examiner's position that Applicant has not yet submitted claims drawn to

limitations, which define the operation and apparatus of Applicant's disclosed invention

in manner, which distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims and

supply arguments commensurate in scope with the claims implies the Applicant intends

broad interpretation be given to the claims. The Examiner has interpreted the claims

with scope parallel to the Applicant in the response and reiterates the need for the

Applicant to more clearly and distinctly define the claimed invention.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in

the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are

applied to specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention, as well as the context of the passage as taught by the prior art

or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully

requested to indicate the portion(s) of the specification which dictate(s) the structure

relied on for proper interpretation and also to verify and ascertain the metes and bounds

of the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-

3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

J. B. D.
Patent Examiner
Art Unit 2143

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100